

BOARD OF APPEAL REFERRALS

September 26, 1974

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MEMORANDUM

September 26, 1974

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert T. Kenney, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing Date: 10/1/74

Petition No. Z-3159
Radar Realty Trust
Emmanuel T. Manoloules, Trustee
81 Chestnut Hill Avenue, Brighton

Petitioner seeks a forbidden use and a variance to legalize existing occupancy for five apartments in a single-family (S-.5) district. Proposal violates the Code as follows:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families is forbidden in an S-.5 district.		
Section 14-2. Lot area for additional dwelling unit is insufficient.	4000 sf/du	2470 sf/du

Property, located at the intersection of William Jackson Avenue, contains a 2½-story frame structure. The 5-unit occupancy is unwarranted, represents overcrowding, and is contrary to the single-family character of the area. In 1963 the then Boston Historical Conservation Committee declared the building a historical landmark valuable to the city. Recommend denial.

VOTED: That in connection with Petition No. Z-3159, brought by Radar Realty Trust, 81 Chestnut Hill Avenue, Brighton, for a forbidden use and a variance to legalize existing occupancy for five apartments in a single-family (S-.5) district, the Boston Redevelopment Authority recommends denial. The five-unit occupancy is unwarranted, represents overcrowding, and is contrary to the single-family character of the area. In 1963 the then Boston Historical Conservation Committee declared the building a historical landmark valuable to the city.

(B.R.I.)

Z - 3159
CHESTNUT HILL AVE.
(B.R.I.)



Board of Appeal Referrals 9-26/74

Hearing Date: 10/1/74

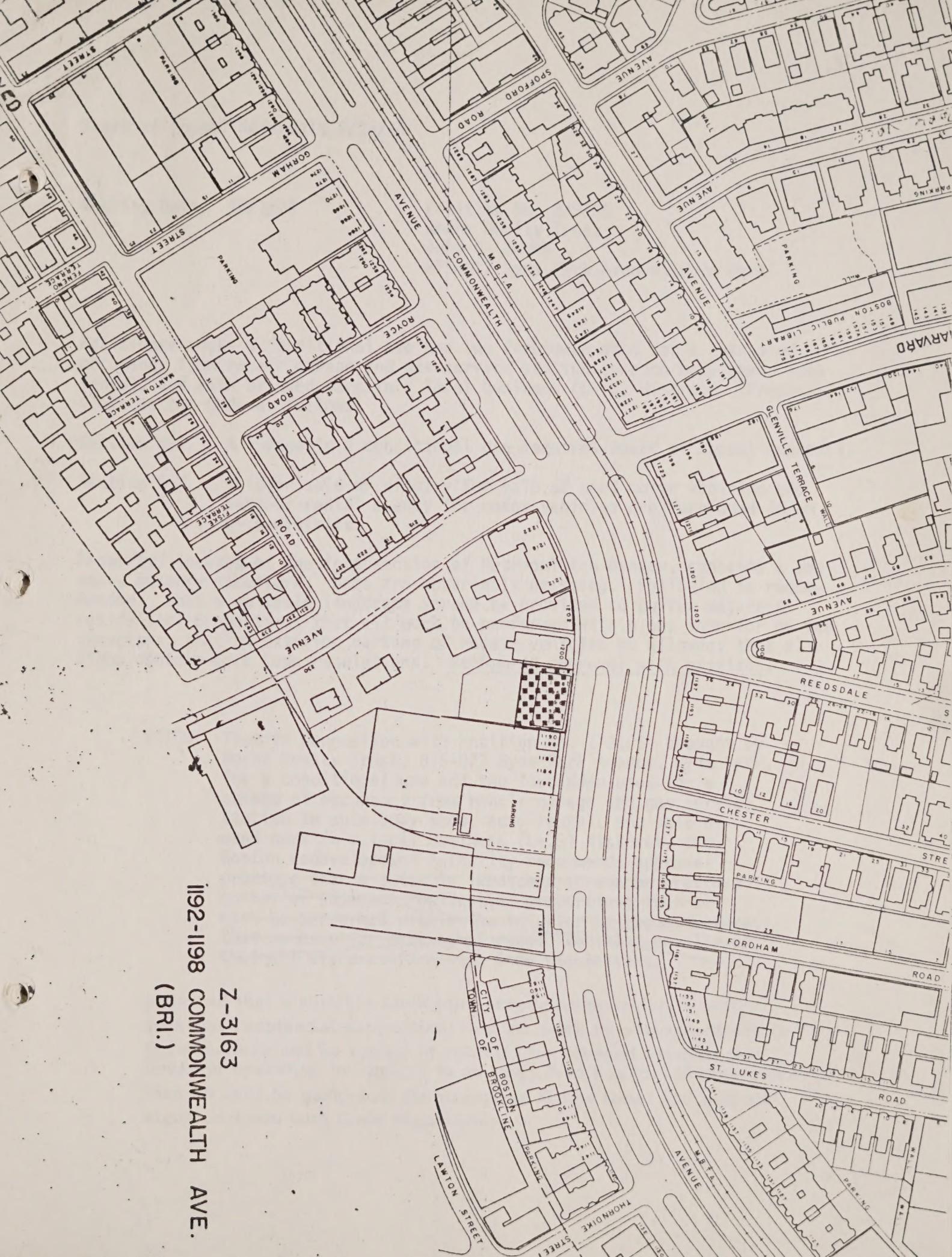
Petition No. Z-3163
Joseph P. Cimino
1192-1198 Commonwealth Avenue, Brighton

Petitioner seeks a variance for a change of occupancy from restaurant-lounge and three stores to two restaurants-lounges and to erect a one-story addition in a local business (L-1) and general business (B-1) district. Proposal violates the Code as follows:

	<u>Required</u>	<u>Proposed</u>
Section 20-1. Rear yard is insufficient.	12 ft.	10 ft.

Property, located near the intersection with Harvard Avenue, contains a one-story masonry structure. Expansion of this restaurant would provide 155 seating accommodations without off-street parking facilities, intensify congestion, and create noise and nuisance elements. The neighborhood and the local Merchants Association have expressed opposition. Recommend denial.

VOTED: That in connection with Petition No. Z-3163, brought by Joseph P. Cimino. 1192-1198 Commonwealth Avenue, Brighton, for a variance for a change of occupancy from restaurant-lounge and three stores to two restaurants-lounges and to erect a one-story addition in a local business (L-1) and general business (B-1) district, the Boston Redevelopment Authority recommends denial. Expansion of this restaurant would provide 155 seating accommodations without off-street parking facilities, intensify congestion, and create noise and nuisance elements. The neighborhood and the local Merchants Association are opposed.



Z-3163
1192-1198 COMMONWEALTH AVE.
(B.R.I.)

Board of Appeal Referrals 9/26/74

Hearing Date: 10/1/74

Petition No. Z-3165
Roche Realty Trust
John C. Roche
875-877 Hyde Park Avenue, Hyde Park

Petitioner seeks a conditional use and two forbidden uses for a change of occupancy from repair garage and gas service station to auto body shop, auto rental, and sale of used cars in a local business (L-.5) district. Proposal violates the Code as follows:

Section 8-6. A change in a conditional use requires Board of Appeal approval.

Section 8-7. Outdoor sale or display for sale of used motor vehicles and outdoor rental agency for motor vehicles are forbidden in an L-.5 district.

Property, located at the intersection of Metropolitan Avenue, contains a one-story masonry structure. Uses are apparently existing. Following is recommended: that a suitable landscape screen be provided to buffer adjacent residential properties; that all work be performed within the interior of the structure; that no exterior parking of repair vehicles be allowed; that all signs conform with Code regulations. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-3165, brought by Roche Realty Trust, 875-877 Hyde Park Avenue, Hyde Park, for a conditional use and two forbidden uses for a change of occupancy from repair garage and gas service station to auto body shop, auto rental, and sale of used cars in a local business (L-.5) district, the Boston Redevelopment Authority recommends approval ~~. provided that a suitable landscape screen be provided to buffer adjacent residential properties; that all work be performed within the interior of the structure; that no exterior parking of repair vehicles be allowed; that all signs conform with Code regulations.~~

provided that a suitable landscape screen be provided to buffer adjacent residential properties; that all work be performed within the structure and no repair of vehicles be allowed outside; that hours of operation be limited to no later than 6 p.m.; that no more than 35 cars be parked on the premises at one time; and that all signs conform with Code regulations.

Z-3165
875-877 HYDE PARK AVE
(H.P.)



Board of Appeal Referrals 9/26/74

Hearing Date: 10/15/74

Petition No. Z-3171
Vito DiCrescenzo
309-311 Bennington Street, East Boston

Petitioner seeks a conditional use to erect a one-story addition to a restaurant in a general business (B-1) and light manufacturing (M-1) district. Proposal violates the Code as follows:

Section 8-6. An addition to a conditional use requires Board of Appeal approval.

Property, located near the intersection of Saratoga Street, contains a one-story structure. Extension, which would be utilized for the storage of garbage receptacles, complies with required conditions for approval under Section 6-3. Recommend approval.

VOTED: That in connection with Petition No. Z-3171, brought by Vito DiCrescenzo, 309-311 Bennington Street, East Boston, for a conditional use to erect a one-story addition to a restaurant in a general business (B-1) and light manufacturing (M-1) district, the Boston Redevelopment Authority recommends approval. Extension complies with required conditions for approval under Section 6-3.



Board of Appeal Referrals 9/26/74

Hearing Date: 10/22/74

Petition No. Z-3172
Norgano Realty Trust
Norman H. Simon, Trustee
77 Newbury Street, Boston

Petitioner seeks a variance to remove section of sidewalk and erect a basement stairway and new store front in a general business (B-4-70) district. Proposal violates the Code as follows:

Section 18-1. In a required front yard in a B district, public access to a basement which is below the grade of the nearest sidewalk requires Board of Appeal approval.

Property, located near the intersection of Berkeley Street, contains a five-story office and retail structure. Staff has reviewed drawings. Recommend approval with design review proviso.

VOTED: That in connection with Petition No. Z-3172, brought by Norgano Realty Trust, 77 Newbury Street, Boston, for a variance to erect an exterior basement stairway and a new store front in a general business (B-4-70) district, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review.

Board of Appeal Referrals 9/26/74

Hearing Date: 10/22/74

Petition No. Z-3173
John and Charlotte B. Dike
161 Franklin Street, Brighton

Petitioner seeks two forbidden uses and seven variances to erect a one-story structure for display, retail sale of ceiling tiles and electrical fixtures, warehouse, offices, and garage in a residential (R-.5) district. Proposal violates the Code as follows:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Display and retail sale of ceiling tiles and electrical fixtures are forbidden in an R-.5 district.		
Section 8-7. A warehouse is forbidden in an R-.5 district.		
Section 10-1. Accessory parking may not occupy any part of the required front yard and must be located more than five feet from side lot lines.		
Section 11-1. Area of sign is excessive.		
Section 15-1. Floor area ratio is excessive.	.5	.6
Section 18-1. Front yard is insufficient	25 ft.	5 ft.
Section 19-1. Side yard is insufficient.	25 ft.	1 ft.
Section 20-1. Rear yard is insufficient.	40 ft.	5 ft.
Section 23-1. Off-street parking is insufficient.	12 spaces	5 spaces

Property, located at the intersection of Weitz Street, contains 10,843 square feet of vacant land. Proposal would be an unwarranted commercial encroachment into a predominantly residential neighborhood. Dwellings bound the property on three sides. Traffic generated by the facility would be hazardous and would create further congestion on a narrow street. Recommend denial.

VOTED: That in connection with Petition No. Z-3173, brought by John and Charlotte B. Dike, 161 Franklin Street, Brighton, for two forbidden uses and seven variances to erect a one-story warehouse and retail structure in a residential (R-.5) district, the Boston Redevelopment Authority recommends denial. Proposal would be an unwarranted commercial encroachment into a predominantly residential neighborhood. Dwellings bound the property on three sides. Traffic generated by the facility would be hazardous and would create further congestion on a narrow street.

Z-3173

161 FRANKLIN ST
(BRI.)



Board of Appeal Referrals 9/26/74

Hearing Date: 10/22/74

Petition No. Z-3174
Murine Realty Trust
Sol Goldman, Trustee
702 Massachusetts Avenue, Boston

Petitioner seeks a forbidden use for a change of occupancy from a one-family dwelling to professional offices in an apartment (H-2) district. Proposal violates the Code as follows:

Section 8-7. Professional offices are forbidden in an H-2 district.

Property, located at the intersection of Harrison Avenue in the South End Urban Renewal Area, contains a four-story structure. Neighborhood character is institutional, commercial, and residential (multifamily, lodging). The single-family occupancy apparently has not existed at this site for many years. Proposed professional office use opposite Boston City Hospital would be appropriate. Recommend approval with design review proviso.

VOTED: That in connection with Petition No. Z-3174, brought by Murine Realty Trust, 702 Massachusetts Avenue, in the South End Urban Renewal Area, for a forbidden use for a change of occupancy from a one-family dwelling to professional offices in an apartment (H-2) district, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review.



Board of Appeal Referrals 9/26/74

Hearing Date: 10/22/74

Petition Z-3176
Marco Realty Trust
Harry A. Cohen, Trustee
24-28 Grove and 54-56 Phillips Streets,
Boston

Petitioner seeks a forbidden use and a change in a nonconforming use for a change of occupancy from nine apartments and store to nine apartments and retail sale of antiques in an apartment (H-2-65) district. Proposal violates the Code as follows:

Section 8-7. Retail store for sale of antiques is forbidden in an H-2-65 district.

Section 9-3. The non-use of a structure or land for a lawful nonconforming use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such nonconforming use.

Property, located at the above intersection, contains a five-story structure. Commercial use had existed at the site for many years. The retail sale of antiques will not have a significant adverse effect on the neighborhood and will put a vacant store into a viable use. Recommend approval.

VOTED: That in connection with Petition No. Z-3176, brought by Marco Realty Trust, 24-28 Grove and 54-56 Phillips Streets, Boston, for a forbidden use and a change in a nonconforming use for a change of occupancy from nine apartments and store to nine apartments and retail sale of antiques in an apartment (H-2-65) district, the Boston Redevelopment Authority recommends approval. The retail sale of antiques will not have a significant adverse effect on the neighborhood and will put a vacant store into a viable use.

(B.P.)

L-3176

BEACON



Board of Appeal Referrals 9/26/74

Hearing Date: 10/14/74

Petition No. Z-3177
Charlestown Savings Bank
55-63 Summer and 4-20 Chauncy Streets,
Boston

Petitioner seeks a conditional use and a variance to erect a ten-story bank building in a general business (B-10) district. Proposal violates the Code as follows:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. An accessory parking facility is conditional in a restricted parking district.		
Section 21-1. Setback of parapet is insufficient.	12 ft. 13 ft.	0 0

Property, located at the above intersection, contains a six-story bank structure, which would be demolished. Premises would be combined with contiguous lot (65-69 Summer and 11-17 Kingston Streets) and a new Charlestown Savings Bank headquarters building constructed. Twelve on-grade parking facilities would be provided. Recommend approval with design review proviso.

VOTED: That in connection with Petition No. Z-3177, brought by Charlestown Savings Bank, 55-63 Summer and 4-20 Chauncy Streets, for a conditional use and a variance to erect a ten-story bank structure in a general business (B-10) district, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review.



Z-3177
55-63 SUMMER ST.
4-20 CHAUNCY ST.
(B.P.)

Board of Appeal Referrals 9/26/74

Hearing Date: 10/15/74

Petitions Nos. Z-3180-3183
Two Sutherland Road Realty Trust
Boston College (lessee)
2 Sutherland Road and 1962-1964 Beacon
Street; 6 Sutherland Road; 370 Chestnut
Hill Avenue; 372-374-380 Chestnut Hill
Avenue; Brighton

Petitioner seeks four conditional uses for a change of occupancy in each of four structures from 25 apartments to 25 apartments and dormitory (96 students); from 25 apartments to 25 apartments and dormitory (110 students); from 25 apartments and barber shop to 25 apartments, barber shop, and dormitory (110 students); from 25 apartments and stores to 25 apartments, stores, and dormitory (94) students, respectively, in apartment (H-2) and local business (L-1) districts. Proposal violates the Code as follows:

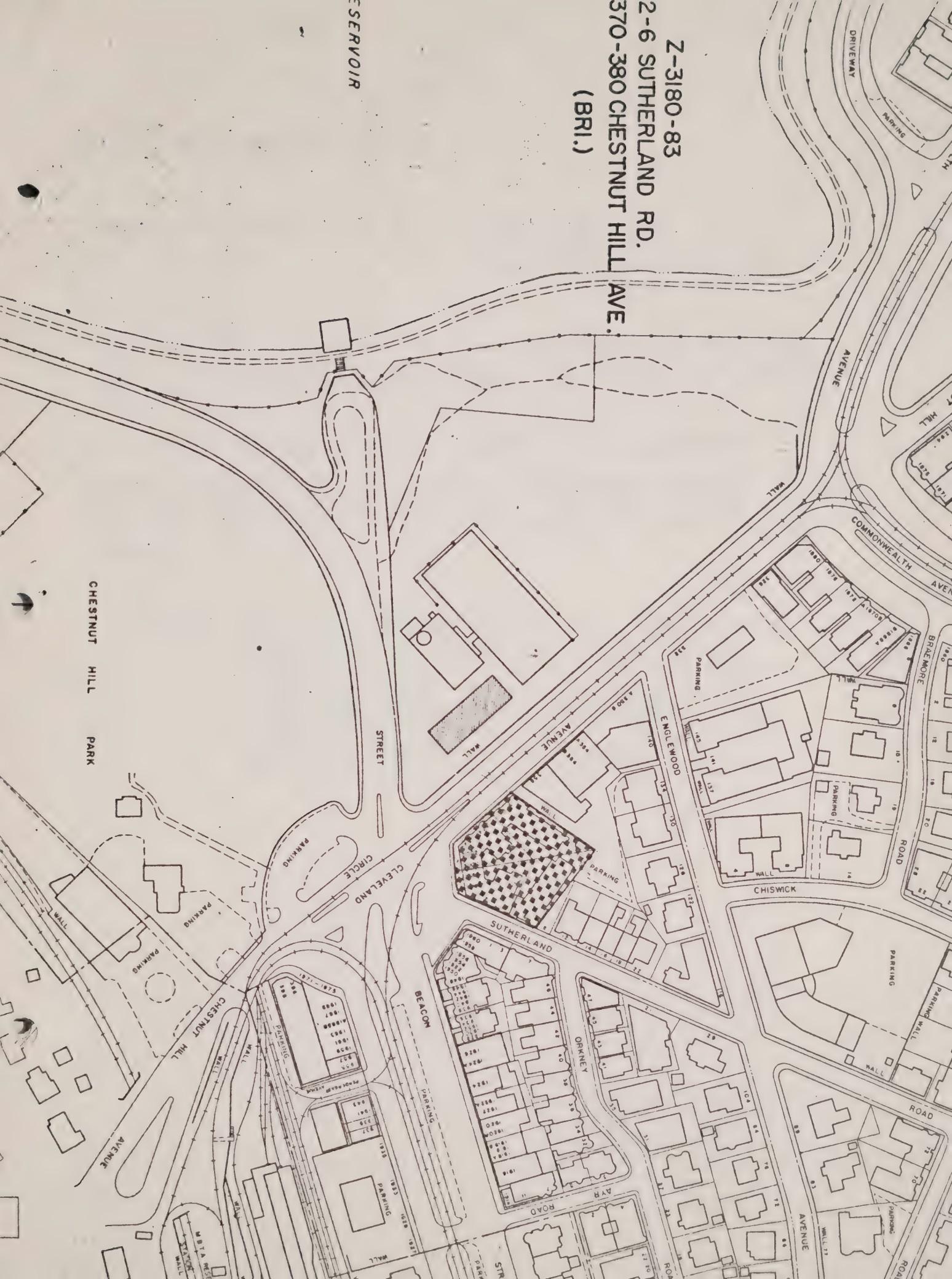
All properties:

Section 8-7. A dormitory not on the lot but accessory is conditional in H-2 and L-1 districts.

Properties, located at the above intersections, contain four-six story structures already occupied as dormitories. The institutional encroachment into a residential neighborhood is contrary to current Mayoral policy. Boston College has not submitted a housing plan indicating how they would provide for increased student enrollment. There is no University control over student car ownership. Community has expressed significant opposition to the occupancy changes. Recommend denial.

VOTED: That in connection with Petition Nos. Z-3180-3183, brought by Two Sutherland Road Realty Trust, 2 Sutherland Road and 1962-1964 Beacon Street, 6 Sutherland Road, 370 and 372-374-380 Chestnut Hill Avenue, Brighton, for a change of occupancy in each of four structures in apartment (H-2) and local business (L-1) districts, the Boston Redevelopment Authority recommends denial. The institutional encroachment into a residential neighborhood is contrary to current Mayoral policy. Boston College has not submitted a housing plan indicating how they would provide for increased student enrollment. There is no University control over student car ownership. Community has expressed significant opposition to the occupancy changes.

Z-3180-83
2-6 SUTHERLAND RD.
370-380 CHESTNUT HILL
(BRI.)



Board of Appeal Referrals 9/26/74

Hearing Date: 10/22/74

Petition No. Z-3185
Allen Realty, Incorporated
15-31 Huntington Avenue, Boston

Petitioner seeks a conditional use for a change of occupancy from stores, offices, two restaurants, to stores, offices, two restaurants, and bartending school in a general business (B-8) district. Proposal violates the Code as follows:

Section 8-7. A bartending school is conditional in a B-8 district.

Property, located at the intersection of Blagden Street, contains a six-story structure. Approximately 875 square feet of floor space would be leased for the school. There would be no significant effect on the area. Recommend approval.

VOTED: That in connection with Petition No. Z-3185, brought by Allen Realty, Incorporated, 15-31 Huntington Avenue, Boston, for a conditional use for a change of occupancy from stores, offices, and two restaurants, to stores, offices, two restaurants, and bartending school in a general business (B-8) district, the Boston Redevelopment Authority recommends approval. Proposed technical facility would have no significant effect on the area.

Z-3185

15-31 HUNTINGTON
(B.P.)



Board of Appeal Referrals 9/26/74

Hearing Date: 10/22/74

Petition No. Z-3187
Burger King Corporation
885 Cummins Highway, Mattapan

Petitioner seeks a conditional use to erect a one-story addition to a restaurant in a local business (L-.5) district. Proposal violates the Code as follows:

Section 8-6. A change in a conditional use requires Board of Appeal approval.

Property, located near the intersection of Fairway Street, contains a one-story structure. Rear extension (18' x 4') would accommodate new kitchen equipment. No change in seating capacity. Adequate parking is provided. Recommend approval with design review proviso.

VOTED: That in connection with Petition No. Z-3187, brought by Burger King Corporation, 885 Cummins Highway, Mattapan, for a conditional use to erect a one-story addition to a restaurant in a local business (L-.5) district, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review. Rear extension would have no adverse effects on adjacent properties.

Z-3187
885 CUMMINS HIGHWAY
(MAT-T)



Board of Appeal Referrals 9/26/74

Hearing Date: 10/15/74

Petition No. Z-3189
Northeastern University
420 Huntington Avenue, Boston

Petitioner seeks a conditional use to erect a five-story office structure in an apartment (H-2) district. Proposal violates the Code as follows:

Section 8-7. A college or university granting degrees is conditional in an H-2 district.

Section 23-8. Off-street parking not provided on the same lot as the structure requires Board of Appeal approval.

Property, located at the intersection of Greenleaf Street on the University campus, contains a parking lot. Proposed structure would provide office space primarily for the Cooperative Education Program. Staff recommends the following: that the petitioner indicate to the Board of Appeal that the required parking spaces, 32, have not been previously allocated; that the parking lot on Huntington Avenue be suitably landscaped; that the petitioner develop a controlled parking system (fees, stickers, attendants). Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-3189, brought by Northeastern University, 420 Huntington Avenue, Boston, for a conditional use to erect a five-story office structure in an apartment (H-2) district, the Boston Redevelopment Authority recommends approval with the following provisos: that the petitioner indicate to the Board of Appeal that the required parking spaces, 32, have not been previously allocated; that the parking lot on Huntington Avenue be suitably landscaped; that the petitioner develop a controlled parking system (fees, stickers, attendants).

Z-3189
420 HUNTINGTON AVE.
(B.P.)



